

Tatyana Evgenievna Drevaleva
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Plaintiff in Pro Per

THE U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Tatyana E. Drevaleva

Plaintiff,

vs.

- 1) Alameda Health System
- 2) Officers of the California Department
of Industrial Relations, the Division of
Labor Standards Enforcement

a) Ms. Catherine Daly

b) Ms. Joan Healy

c) Mr. Bobit Santos

d) Mr. Eric Rood

Defendants

Case Number: 3:16-cv-07414-LB

Administrative Motion to Transfer my
Lawsuit No. 3:16-cv-07414-LB
to the Hon. District Judge James Donato;
the Civil Local Rule 7-11;
Declaration; Proposed Order.

Location: Courtroom B – 15th Floor

Judge: The Hon. Judge Laurel Beeler

1 Plaintiff Tatyana Drevalova is filing an Administrative Motion to transfer my lawsuit No.
2 3:16-cv-07414-LB to the Honorable District Judge James Donato. Because a lawsuit No. 3:20-
3 cv-00642-JD is currently pending against the Hon. Judge Laurel Beeler, she is definitely
4 ineligible to continue judging my lawsuit No. 3:16-cv-07414-LB.

5 During the litigation of the lawsuit No. 3:16-cv-07414-LB, the Hon. Judge Laurel Beeler
6 expressed bias and prejudice towards me because I am a Pro Se penniless Russian Plaintiff, and I
7 am not a lawyer. Ms. Beeler never invited the Parties to her Courtroom, improperly continued
8 the Case Management Conference, banned Discovery, denied my May 16, 2017 Administrative
9 Motion where I asked Defendant Alameda Health System to present the evidence that it was a
10 Public Agency, and recklessly ignored the fact that three out of four DIR's Officers Ms. Daly,
11 Ms. Healy, and Mr. Rood were never served with a Summons and an Amended Complaint. In
12 her July 07, 2017 Order, page 2, Ms. Beeler lied that these Defendants had waived the service of
13 the Summons whereas they didn't waive it. Ms. Beeler also never ruled on my Request for Entry
14 of Default against Mr. Bobit Santos who was served with the Summons and the Amended
15 Complaint but who missed a deadline to submit his response, who was not incapacitated, and
16 who was not in the military. Ms. Beeler also never bothered to obtain any piece of evidence that
17 would support DIR's Officers' claim of the "absolute immunity" pursuant to Government Code
18 Section 820.2 and the "absolute privilege" pursuant to Civil Code Section 47(a.)

19 In her June 07, 2017 Order, Ms. Beeler ruled that the District Court didn't have both the
20 subject-matter jurisdiction and the Diversity of Citizenship jurisdiction over "Public Agency"
21 Alameda Health System. Ms. Beeler recklessly ignored my May 16, 2017 Administrative Motion
22 (Doc. No. 54) where I requested AHS to provide the proof that it was a Public Agency. On May
23 16, 2017, Ms. Beeler continued the Case Management Conference to July 27, 2017 (Doc. No.
24 53) but she abruptly entered a Judgment on July 07, 2017 (Doc. No. 77) thus depriving me my
25 right to conduct Discovery and to obtain the pieces of evidence that could support my case. In
26 both June 07 (Doc. No. 58) and July 07, 2017 (Doc. No. 76) Orders, Ms. Beeler impartially ruled
27 in favor of rich Opposing Parties Officers of DIR and AHS. Subsequently, Ms. Beeler named my
28 Appeal No. 17-16382 frivolous and revoked my IFP status on that Appeal. Doing all of this, Ms.

1 Beeler didn't think whether I would ever have a chance to work in my professional field as a
2 Monitor Technician. She didn't care about me. This is why I filed a lawsuit against her.

3 After the 9th Circuit reinstated my IFP status on Appeal No. 17-16382, I obtained the
4 pieces of evidence that supported my claim against both AHS and DIR. I filed all these pieces of
5 evidence with the 9th Circuit, and I filed a few Motions to Supplement the Record on Appeal.
6 Defendants AHS and DIR's Officers opposed my Motions stating that these pieces of evidence
7 had not been presented to the District Court. The 9th Circuit sided with Defendants and denied
8 almost all my Motions to Supplement the Record on Appeal (Exhibit 3.) As a result, the 9th
9 Circuit didn't accept the critical pieces of evidence that supported my position. On December 24,
10 2019, a 3 Judge Panel (Paez, Rawlinson, and Huck) affirmed the fraudulent Orders of Ms. Beeler
11 (Exhibit 4.) Subsequently, the Panel denied my Petition for Panel Rehearing and a Petition for
12 Rehearing En Banc. The Panel concluded that my Petition for Rehearing En Banc was untimely
13 even though I filed it in five days after the Panel denied my Petition for Panel Rehearing. On
14 March 05, 2020, I petitioned to Chief Justice of the 9th Circuit the Hon. Sidney Thomas who is
15 also an En Banc Coordinator, and I asked him to extend the deadline for filing a Petition for
16 Rehearing En Banc pursuant to the General Order No. 5(b)(2) – "The En Banc Coordinator shall
17 supervise the en banc process, including time schedules provided in this Chapter; shall circulate
18 periodic reports on the status of each case under en banc consideration; may, for good cause,
19 **extend**, suspend, or compress **the time schedules provided in this Chapter**; may designate
20 another judge to perform all or part of the En Banc Coordinator's duties during the coordinator's
21 absence; may suggest, for any particular case, a modification or suspension of the provisions of
22 this Chapter; and may for good cause suspend en banc proceedings." Subsequently, I submitted
23 two more Letters to Justice Thomas on April 11, 2020 and on May 20, 2020. I never heard from
24 Justice Thomas who was probably more concerned taking care of rich clients rather than to pay
25 attention to a penniless Pro Se Russian Plaintiff who was thrown out of her job and who was
26 suffering for many years from the absence of money.

27 On May 18, 2020, the U.S. Supreme Court denied my Petition for Writ of Certiorari No.
28 19-8012. On August 03, 2020, the U.S. Supreme Court denied my Petition for Rehearing. Well,

1 the high Justices also don't want to be bothered by a Russian homeless and penniless Plaintiff
 2 who was fired for asking questions about unpaid salary, missed breaks, unsafe working
 3 conditions, and the denial of the affiliation to the Union.

4 The fact that the U.S. Supreme Court denied my both Petition for Writ of Certiorari and
 5 my Petition for Rehearing means only that the U.S. Supreme Court refused to accept the case.
 6 See Exhibit 1 which is a separate page from the U.S. Supreme Court's guidance to Pro Se
 7 litigants, "The primary concern of the Supreme Court is not to correct errors in lower court
 8 decisions, but to decide cases presenting issues of importance beyond the particular facts and
 9 parties involved. The Court grants and hears argument in only about 1% of the cases that are
 10 filed each Term. The vast majority of petitions are simply denied by the Court without comment
 11 or explanation. **The denial of a petition for a writ of certiorari signifies only that the Court**
 12 **has chosen not to accept the case for review and does not express the Court's view of the**
 13 **merits of the case.**"

14 Moreover, see Rule 10 of the Rules of the U.S. Supreme Court, "Review on a writ of
 15 certiorari is not a matter of right, but of judicial discretion. ... A petition for a writ of certiorari is
 16 rarely granted when the asserted error consists of erroneous factual findings or the
 17 misapplication of a properly stated rule of law."

18 Because the July 07, 2017 Judgment of the District Court and the December 24, 2019
 19 Memorandum of the 9th Circuit were based on erroneous factual findings and on misapplications
 20 of properly stated rules and laws, my intention is to file a Motion to Vacate the Judgment
 21 pursuant to the F.R.C.P. Rule 60.

22 **Conclusion.**

23 I am respectfully asking the Hon. Judge Laurel Beeler to transfer my case No. 3:16-cv-
 24 07414-LB to the Hon. District Judge James Donato for a further proceeding. Ms. Beeler is
 25 ineligible to judge the lawsuit No 3:16-cv-07414-LB because a lawsuit No. 3:20-cv-00642-JD is
 26 pending against her.
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 28

1 Prior to filing this Administrative Motion, I attempted to meet and confer with
2 Defendants' Attorneys Mr. Nicholas Seitz and Mr. Timothy Travelstead. On August 20, 2020, I
3 emailed both Mr. Seitz and Mr. Travelstead with a proposal to transfer my lawsuit No. 3:16-cv-
4 07414-LB to the Hon. Judge James Donato (Exhibit 2.) I never heard back from both of them.

5
6 I declare under the penalty of perjury and under both the Federal laws and under the laws
7 of the State of California that all foregoing is true and correct. Executed at San Francisco, CA on
8 August 30, 2020.

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10 Respectfully submitted,

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12 Date: August 30, 2020.

13 Sign Name: 

14 Print Name: Tatyana E. Drevalova
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